

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

In re: B. Patrick Callahan, Emb.

Petition No.: 940110-30-001

CONSENT ORDER

WHEREAS, B. Patrick Callahan of East Hartford (hereinafter "respondent") has been issued license number 001702 to practice embalming by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 385 of the Connecticut General Statutes, as amended; and,

WHEREAS, the Department alleges that:

1. Respondent is one of the owners of the Benjamin J. Callahan Funeral Home, Inc., East Hartford, Ct. (hereinafter "the funeral home") which employed Geoffrey Callahan. Geoffrey Callahan at all relevant times held neither an embalming nor a funeral director license.
2. During 1990, Geoffrey Callahan made arrangements for the Mullaney funeral.
3. With respect to the Mullaney funeral, respondent improperly delegated to Geoffrey Callahan the responsibility for making the funeral arrangements, and/or respondent improperly supervised Geoffrey Callahan with respect to the funeral.
4. The above described facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes Section 20-227, including but not limited to:
 - a. 20-227(4);
 - b. 20-227(5); and/or,
 - c. 20-227(7).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Connecticut Board of Examiners of Embalmers and Funeral Directors (hereinafter "the Board") the above allegations in this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §19a-9, §19a-14, and §20-227 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-227 of the Connecticut General Statutes, as amended, B. Patrick Callahan hereby stipulates and agrees to the following:

1. That his license shall be suspended for six months, with said suspension immediately stayed.
2. Concurrently, respondent's license shall be on probation for two years under the following terms and conditions:
 - a. By the tenth business day of each quarter, respondent shall report the following information to the Department regarding all funeral arrangements in which he participated, or services which he provided or assisted in providing:
 - (i) respondent shall identify all persons employed by the funeral home either as an employee or independent contractor;
 - (ii) respondent shall identify all persons with whom he contracts to perform funeral services.
 - b. By the tenth business day of each quarter, respondent shall submit the following documents to the Department for all funeral arrangements in which he participated, or services which he provided or assisted in providing:
 - (i) the signed Statement of Funeral Goods and Services Selected; and,
 - (ii) the signed Disclosure/Disclaimer Form.

3. That he shall pay a civil penalty of one thousand dollars (\$1,000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." Said civil penalty shall be payable at the time respondent submits the executed Consent Order to the Department.
4. That all correspondence and reports are to be addressed to:

Bonnie Pinkerton, Nurse Consultant
Public Health Hearing Office
Department of Public Health and Addiction Services
150 Washington Street
Hartford, CT 06106
5. That all reports required by the terms of this Consent Order shall be due according to the following schedule: quarterly reports shall be due the tenth business day of every third month beginning with the report due in March, 1996
6. That he shall comply with all state and federal statutes and regulations applicable to his licensure.
7. That he understands that this Consent Order is a matter of public record.
8. That any alleged violation of any provision of this Consent Order, may result in the following procedures at the discretion of the Department:

- (a) The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
- (b) Said notification shall include the acts or omission(s) that violate the term(s) of this Consent Order.
- (c) Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 8(a) above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.

(d) If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, he shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.

(e) Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.

9. That, in the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as an embalmer, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that his failure to cooperate with the Department's investigation shall constitute an admission that his conduct constitutes a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c).

10. That, in the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Board.

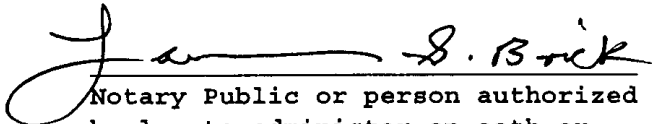
11. That legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Medical Quality Assurance of the Department.
12. That this Consent Order is effective on the first day of the month immediately following the date said order is accepted and ordered by the Board.
13. That the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which (1) his compliance with this Consent Order is at issue, or (2) his compliance with §20-227 of the General Statutes of Connecticut, as amended, is at issue.
14. That any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
15. That this Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, that this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
16. That this Consent Order is a revocable offer of settlement which may be modified by mutual agreement or^a withdrawn by the the Department at any time prior to its being executed by the last signatory.
17. That respondent permits a representative of the Public Health Hearing Office of the Division of Medical Quality Assurance of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted.

18. That respondent understands and agrees that he is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which he is away from his residence.
19. That respondent has the right to consult with an attorney prior to signing this document.

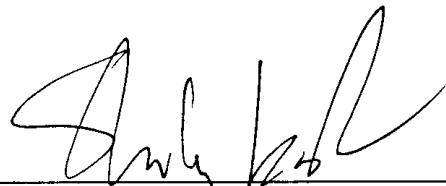
I, B. Patrick Callahan, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


B. Patrick Callahan

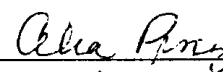
Subscribed and sworn to before me this 1st day of August 1995.


Notary Public or person authorized
by law to administer an oath or
affirmation *Commissioner of Superior Ct*

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 1st day of August 1995, it is hereby accepted.


Stanley K. Peck, Director
Division of Medical Quality Assurance

The above Consent Order having been presented to the duly appointed agent of the _____ on the 2 day of November 1995, it is hereby ordered and accepted.


Connecticut Board of Examiners of
Embalmers and Funeral Directors